

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**MISC APPLICATION NO.163 OF 2023
IN
REVIEW APPLICATION NO.04 OF 2023
IN
ORIGINAL APPLICATION NO.367 OF 2022**

DISTRICT : MUMBAI

- 1) The Principal Secretary, Medical)
Education Drugs & Research,)
Mantralaya, Mumbai.)
- 2) The Commissioner, Food & Drug)
Administration, Bandra, Mumbai.)
- 3) The Joint Commissioner (GB), Food)
and Drug Administration, Bandra,)
Mumbai.)
-) ... Applicants
(Ori. Respondents)**

Versus

Shri Prashant Bhaskarrao Umrani,)
R/at Row House No.5, Saptarshri Vatika)
Swapana Nagari, Garkheda,)
Aurangabad 431 009.)

**)... Respondent
(Ori. Applicant)**

**Shri A. J. Chougule, Presenting Officer for Applicants (Ori.
Respondents)**

Shri P. B. Umrani, Respondent in person (Ori. Applicant in person)

CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 06.04.2023

JUDGMENT

1. Heard Shri A. J. Chougule, learned Presenting Officer for the Applicants (Ori. Respondents) and Shri P. B. Umrani, the Respondent in person (Ori. Applicant in person).

2. The M.A. is filed to condone the delay of 7 months caused in filing R.A.No.04/2023 to review the order passed by the Tribunal on 20.07.2022.

3. The Original Applicant had filed O.A. No.367/2022 raising grievance of withholding of retiral benefits *inter-alia* contending that though he retired on 30.06.2020 from the post of Assistant Commissioner (Food), his gratuity and regular pension was not paid. The Tribunal by order dated 20.07.2022 allowed the O.A. with directions to Respondents to release gratuity and regular pension within a month from today with interest on gratuity at the rate applicable to GPF from 01.10.2020 till the date of actual payment having noticed that there was no initiation of D.E. or pendency of judicial proceeding against the Applicant so as to withhold gratuity and regular pension in terms of Rule 130(1)(c) of Maharashtra Civil Services (Pension) Rules, 1982.

4. Now, the R.A. is filed on the ground that there was objection of Pay Verification Unit dated 04.04.2022 raising certain objections about benefit of ACPS given to the Applicant and those objections are required to be removed.

5. In R.A. it is further submitted that Government had initiated D.E. under Rule 10 of Maharashtra Administrative Tribunal (Discipline & Appeal) Rules, 1979 and the matter is under process for further action.

6. The M.A. is filed to condone the delay of seven months stating that because of administrative procedure, the delay is caused.

7. Insofar as M.A. for condonation is concerned, except mere statement that because of administrative procedure, the delay is caused in filing R.A., there is no other satisfactory explanation to condone the delay of seven months. The Tribunal by order dated 20.07.2022 granted one month time for compliance having noticed that though the Applicant stands retired on 30.06.2020 his retiral benefits were not paid for more than two years without there being any legal hurdle. As such, there are lapses on the part of Government in not taking further steps in terms of order passed by the Tribunal within reasonable time.

8. The Original Respondents seems have no regard and seriousness of the order passed by the Tribunal. Suffice to say, the delay is not satisfactorily explained.

9. Even assuming for a moment that there are sufficient reasons to condone the delay, in that event also the R.A. being totally devoid of merit is liable to be dismissed. The powers of review are confined to the situation contemplated under Order 47, Rule 1 of CPC. There is no apparent error on the face of record nor there is any case where some additional evidence or material could not be produced despite due diligence of the Government. On the contrary, the Government was aware about objections of Pay Verification Unit dated 04.04.2022 but did not point out it while hearing and decision of O.A.No.367/2022. That apart, all that Tribunal directed the Respondents to release the gratuity and regular pension within a month as per his entitlement. It being so, if there were any such objections of Pay Verification Unit dated 04.04.2022, it ought to have been dealt with appropriately and retirement benefits as per entitlement of the Applicant ought to have been released within stipulated period. However, the Respondents did not take any such steps and filed this R.A. along with M.A. quite belatedly.

10. For the aforesaid reasons, I see no merits in M.A. and R.A. and it is accordingly dismissed.

11. No order as to costs.

Sd/-

(A.P. KURHEKAR)
Member-J

Place : Mumbai

Date : 06.04.2023

Dictation taken by : V.S. Mane

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